

Town of Amherst
Zoning Board of Appeals
SPECIAL PERMIT

2015 MAY -8 PM 2: 37

AMHERST TOWN CLERK

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2015-00025, to construct a new detached accessory structure to be used as a Supplemental Detached Dwelling Unit, under Section 5.0111 of the Zoning Bylaw, at 15 Boston Street (Map 11C, Parcel 155, R-G Zoning District), subject to the following conditions:

1. The structure shall be constructed and used substantially in accordance with the plans prepared by Noble Home, dated March 13, 2015. The plans approved by the ZBA are annotated to indicate that the corrugated roof would be red and siding would be either stained a neutral color or left natural. Any significant changes, including color of materials, shall be reviewed by the Zoning Board of Appeals at a public meeting.
2. The structure shall be located as shown on the Wetland Determination Plan, last revised on January 30, 2015. Prior to a Certificate of Occupancy, the stone swale and walkway shown on the plan shall be constructed.
3. There shall be no more than four cars regularly parked on the property and vehicles shall be parked in accordance with the approved site plan.
4. The property and use shall be managed in accordance with the Management Plan, approved by the Zoning Board of Appeals on March 19, 2015.
5. There shall be an approved Management Plan in place at all times.
6. Pursuant to Section 5.0112 (2), neither unit shall be used for accessory lodging or boarding under Section 5.010.
7. Upon a change of ownership, the new owner shall present a new Management Plan to the Zoning Board of Appeals at a public meeting for review and approval.
8. One of the units on the property shall be and remain owner occupied.

Eric Beal (B)
Eric Beal, Chair
Amherst Zoning Board of Appeals

May 8, 2015
DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant/Owner: Grace Griecci, 15 Beston Street, Amherst, MA 01002

Date application filed with the Town Clerk: March 4, 2015

Nature of request: For a Special Permit to construct a new detached accessory structure to be used as a Supplemental Detached Dwelling Unit, under Section 5.0111 of the Zoning Bylaw

Address: 15 Beston Street (Map 11C, Parcel 155, R-G District)

Legal notice: Published on March 4, 2015 and March 11, 2015 in the Daily Hampshire Gazette and sent to abutters on March 3, 2015

Board members: Eric Beal, Tom Ehrgood, Mark Parent

Staff members: Jeff Bagg, Senior Planner, Rob Morra, Building Commissioner

Submissions:

- Application form filed with the Town Clerk on March 4, 2015
- Wetland Determination Plan, prepared by Charles Dauchy, dated December 26, 2014 and last revised on January 30, 2015
- Floor Plans and Elevations prepared by Noble Home, dated February 22, 2015
- Survey Plan, unmarked, prepared by Harold Eaton Associates
- Management Plan form and additional information for apartments
- Sample lease agreement
- Proposed findings under Section 5.0112
- Planning Board Report to Town Meeting for Article 28, April 2014
- Five existing conditions photographs

Site Visit: March 18, 2015

Tom Ehrgood and Mark Parent viewed the site. Mr. Beal viewed the site separately. The location of the property on the east side of Beston Street was observed, along with the following:

- The existing bituminous blacktop driveway capable of parking four vehicles.
- The approximate location of the north property line and proposed building location.
- The location of an existing row of existing evergreen trees; existing deck off of the rear of the house.

Public Hearing: March 19, 2015

The following new information was submitted:

- Updated Floor Plans and Elevations, prepared by Noble Home, dated March 13, 2015
- Specification sheet for metal roof colors
- Proposed Design Review Board findings

The applicant, Grace Greicci, presented the application:

- The proposal is to construct a small accessory dwelling unit on her property. The building would have a footprint of approximately 425 square feet (17 feet x 25 feet) and would be approximately 11.5 feet in height.
- The building would be constructed on a slab and would have a metal roof and pine siding.
- The property would be owner occupied.
- The location and construction of the building was reviewed and approved by the Conservation Commission.
- Due to the close proximity of new structure and existing deck off the rear of the house, the stairs to the deck may be removed.
- The existing paved driveway is wide enough to park four cars stacked two by two.
- The building would be positioned to be at least 10 feet from the property line but noted that the roof will overhang closer to the property line.
- The revised floor plans and elevations show added a sliding glass door on the south elevation and removed a door and added windows on the east elevation.

Mr. Beal noted that this is the first request under the new provision of the Zoning Bylaw adopted by Town Meeting in May of 2014. He read the following description under Section 5.011:

Supplemental dwelling units as defined under this section are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units. As accessory uses, supplemental dwelling units are exempt from the additional lot area/family requirements of Table 3. Only one (1) supplemental dwelling unit shall be permitted as accessory to a one family detached dwelling.

The Board made the following findings under Section 5.0122:

5.0112 General Requirements. The following standards shall apply to supplemental dwelling units (supplemental apartments and supplemental detached dwelling units):

- 1. There shall be not less than 350 square feet nor more than 800 square feet of habitable space in any supplemental dwelling unit, except that any such dwelling unit built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 900 square feet in habitable space. As shown on the floor plans, the gross area of the unit is 422 square feet and therefore complies with this provision.*
- 2. No one family detached dwelling in which a supplemental apartment is constructed or upon the property of which a supplemental dwelling unit is built may be used simultaneously for accessory lodging under any provision of Section 5.010, nor shall any supplemental dwelling unit built upon the property of such a one family dwelling be so used. This will be made a condition of the approval.*
- 3. One of the dwelling units on the property shall be occupied by the owner(s) of the principal one family residence, which requirement shall be made a condition of any Special Permit issued under this section. This will be made a condition of the approval.*
- 4. Notwithstanding the provisions of Article 12, a supplemental dwelling unit shall be occupied by a total of no more than three (3) adult residents. This will be made a condition of the approval.*

5. *The design review principles and standards established under Section 3.204 shall be applied to all accessory uses under this section, and the review and recommendation of the Design Review Board may be sought by the Building Commissioner, Permit Granting Board, or Special Permit Granting Authority. The Board finds that the proposed structure is compatible in terms of height, proportions, design, and materials with the existing single family dwelling and other properties in the neighborhood.*

Specific Findings:

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 and 10.381 – *The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District. The proposal provides for a small detached accessory dwelling unit on an owner occupied property in the R-G Zoning District which is intended to provide “medium to higher density”. The size, location and proximity of the detached dwelling to the adjacent properties is suitably located.*

10.382, 10.383, 10.385 & 10.387 - *The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features; The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. The proposal will not be a nuisance or hazard to abutters because it provides a small accessory dwelling unit on an owner occupied property. The permit is conditioned to require that exterior lights be downcast and limits the number of cars regularly parked on the property to four.*

10.386 - *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw. The proposal provides for the minimum number of four parking spaces (two per unit pursuant to Section 7.0000). The parking area is on a paved surface which complies with the design requirements of Section 7.101.*

10.389 - *The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water. As identified in the Management Plan, the trash and recycling are stored on the left/rear side of the house in an enclosure.*

10.392 – *The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. The existing landscaping is appropriate for the use of the property as an owner occupied property.*

10.393 – *The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaires, light shields, lowered height of light poles, screening, or similar solutions. The permit is conditioned to require that all exterior lighting be designed or arranged to be downcast.*

10.398- *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan. The proposal provides for a small accessory dwelling unit on an owner occupied property and provides for infill residential development in the R-G Zoning District.*

Zoning Board Decision

Mr. Beal MOVED to approve the application with conditions. Mr. Ehrgood seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2015-00025, to construct a new detached accessory structure to be used as a Supplemental Detached Dwelling Unit, under Section 5.0111 of the Zoning Bylaw, at 15 Beston Street (Map 11C, Parcel 155, R-G Zoning District), subject to conditions.

Eric Beal (12)
ERIC BEAL

Tom Ehrgood (12)
TOM EHrgOOD

Mark Parent (12)
MARK PARENT

FILED THIS 8th day of May, 2015 at 2:36 P.M.
in the office of the Amherst Town Clerk Dandra G. Burger

TWENTY-DAY APPEAL period expires, May 28, 2015.

NOTICE OF DECISION mailed this 11th day of May, 2015
to the attached list of addresses by Jeffrey R. Bury, for the Board.

CERTIFICATE OF NO APPEAL issued this _____ day of _____, 2015.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2015,
in the Hampshire County Registry of Deeds.

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted

To Grace Griecci
Address 15 Beston Street
City or Town Amherst, MA 01002

Identify Land Affected: 15 Beston Street
(Map 11C, Parcel 155, R-G Zoning District)

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner
with respect to the use of the premises on

15 Beston Street Amherst
Street City or Town
The record of title standing in the name of
Grace Griecci & Antonina Woodsum
Name of Owner
Whose address is 15 Beston Street Amherst MA 01002
Street City or Town State Zip Code

By a deed duly recorded in the
Hampshire County Registry of Deeds: Book 11632 Page 34
or
Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____
The decision of said Board is on file, with the papers, in ZBA FY2015-00025
In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

Eric Beal (10) Chairman
(Board of Appeals)
Mark Parent (16) Clerk
(Board of Appeals)

at _____ o'clock and _____ minutes _____ m.
Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____
Register of Deeds
Notice to be recorded by Land Owner

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Grace Greicci

For A Special Permit, ZBA FY2015-00025, to construct a new detached accessory structure to be used as a Supplemental Detached Dwelling Unit, under Section 5.0111 of the Zoning Bylaw

On the premises of 15 Beston Street
At or on Map 11C, Parcel 155, R-G Zoning District

NOTICE of hearing as follows mailed (date) March 4, 2015
to attached list of addresses and published in the Daily Hampshire Gazette
dated March 4, 2015 and March 11, 2015

Hearing date and place March 19, 2015 (Town Hall)

LEGAL NOTICE The Amherst Zoning Board of Appeals will meet on Thursday, March 19, 2015, at 6:30 P.M. in Lower Level Meeting Room, Bangs Community Center, to conduct the following business: PUBLIC HEARING: ZBA FY2015-00025 - Grace Greicci - For a Special Permit to construct a new detached accessory structure to be used as a Supplemental Detached Dwelling Unit, under Section 5.0111 of the Zoning Bylaw, at 15 Beston Street (Map 11C, Parcel 155, R-G Zoning District) ZBA FY2015-00026 - Howard Ewert - For a Special Permit to reconfigure three existing dwelling units through the demolition and reconstruction of an existing barn and interior changes to the existing dwelling, as an owner occupied Converted Dwelling, under Section 3.3241 of the Zoning Bylaw, at 89 Pelham Road (Map 15A, Parcel 107, R-N Zoning District) ZBA FY2015-00027 - Craig and Rachel Gibson - For a Special Permit to convert and existing single family dwelling into two units, with an addition, as an owner occupied Converted Dwelling, under Section 3.3241, and to modify the minimum building coverage limit of 25% under Table 3, footnote a, of the Zoning Bylaw, at 50 Middleman Street (Map 11C, Parcel 189) ERIC BEAL, CHAIR AMHERST ZONING BOARD OF APPEALS March 4, 11 3221537

SITTING BOARD and VOTE TAKEN:

To grant a Special Permit, ZBA FY2015-00025, to construct a new detached accessory structure to be used as a Supplemental Detached Dwelling Unit, under Section 5.0111 of the Zoning Bylaw, subject to conditions

Eric Beal – Yes Tom Ehrgood- Yes Mark Parent – Yes

DECISION: APPROVED with conditions

Town of Amherst Abutter List

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>CityStZip</i>
11C-152	14 BESTON ST	HUNT, JOHN A		14 BESTON ST	AMHERST, MA 01002
11C-155	15 BESTON ST	GRIECCI, GRACE A & WOODSUM, ANTONINA		15 BESTON ST	Amherst, MA 01002
11C-156	17 BESTON ST	LENER, CATHERINE & STUART		17 BESTON ST	AMHERST, MA 01002
11C-151	20 BESTON ST	GRIFFIN, SHIRLEY L TRUSTEE		20 BESTON ST	Amherst, MA 01002
11C-157	25 BESTON ST	THOMAS, SUSAN S & SHEA, DEBORAH		25 BESTON ST	AMHERST, MA 01002
11C-150	26 BESTON ST	HOWARD, JANET LYNN		26 BESTON ST	Amherst, MA 01002
11C-158	31 BESTON ST	GOLDSCHIEDER, E & FRIEDLANDER L		31 BESTON ST	AMHERST, MA 01002
11C-149	44 BESTON ST	ABRAMMS, IRENE & LUKACS, GABOR		44 BESTON ST	AMHERST, MA 01002
11C-135	37 COSBY AVE	WALLACK, DANIEL H & O'WEARA, JOAN V		37 COSBY AVE	AMHERST, MA 01002
11C-159	FEARING ST	FELLERS, STEPHEN G		52 FEARING ST	AMHERST, MA 01002
11C-160	FEARING ST	FELLERS, STEPHEN G		52 FEARING ST	AMHERST, MA 01002
11C-199	31-35 HALLOCK ST	GREENBAUM, JOEL		17 HALLOCK ST	AMHERST, MA 01002
11C-200	39 HALLOCK ST	GREENBAUM, LISA		17 HALLOCK ST	AMHERST, MA 01002
11C-175	15 MCCLELLAN ST	EWERT, HOWARD T & BARBARA A		P.O. BOX 654	SOUTH HADLEY, MA 01075-0654

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/State/Zip</i>
11C-181	16 MCCLELLAN ST	MAZZEI, MARY R		16 MCCLELLAN ST	AMHERST, MA 01002
11C-176	19 MCCLELLAN ST	ZIEBKA, MICHAEL & RAY, KEVIN TRUSTEES		19 DORSET LN	FARMINGTON, CT 06032
11C-182	20 MCCLELLAN ST	ALCIERE, SIMON P		20 MCCLELLAN ST	Amherst, MA 01002
11C-183	24 MCCLELLAN ST	FAY, MICHAEL D		634 39TH AVE NE	ST PETERSBURG, FL 33703
11C-177	25 MCCLELLAN ST	HISTORIC RENOVATIONS AND RENTAL PROP		17 HALLOCK ST	Amherst, MA 01002
11C-185	30 MCCLELLAN ST	SIMPSON, JUDY LEWIS		30 MCCLELLAN ST	AMHERST, MA 01002
11C-178	35 MCCLELLAN ST	LYNN, JOSEPH F		35 MCCLELLAN ST	AMHERST, MA 01002
11C-186	42 MCCLELLAN ST	GREENBAUM, JOEL M		17 HALLOCK ST	AMHERST, MA 01002
11C-154	43 MCCLELLAN ST	BRITT, PAUL F & BRITT, PAUL R		43 MCCLELLAN ST	Amherst, MA 01002
11C-187	44 MCCLELLAN ST	ENGLANDER, FREDRIC A		47 EAST ST	HADLEY, MA 01035
11C-188	46 MCCLELLAN ST	CHRISTIE, SEAN B		79 LARKSPUR DR	AMHERST, MA 01002
11C-189	50 MCCLELLAN ST	GIBSON, CRAIG & RACHEL		50 MCCLELLAN ST	Amherst, MA 01002
11C-6	51 MCCLELLAN ST	ROSENTHAL, JON K & BERNICE M		29 BRANCH RD	DAMARISCOTTA, ME 04543
11C-190	54 MCCLELLAN ST	GLENNON, DEBRA B & MATTHEW W		54 MCCLELLAN ST	AMHERST, MA 01002
11C-153	57 MCCLELLAN ST	GRAIFF, JOHN G & GEORGE V		57 MCCLELLAN ST	AMHERST, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>CityStZip</i>
11C-143	65-67 MCCLELLAN ST	HAUGHTON JR, REGINALD C & LAURA J		110 BALDWIN HILL RD	PHILLIPSTON, MA 01331
11C-191	68 MCCLELLAN ST	HOWARD, STEPHEN DAVIES & ANN J		68 MCCLELLAN ST	AMHERST, MA 01002
11C-173	290 NORTH PLEASANT ST	FABOS, ADRIAN C TRUSTEE		P.O. BOX 1021	AMHERST, MA 01004-1021
11C-172	296 NORTH PLEASANT ST	DEA MARSH LAND LLC		80 GRANTWOOD DR	AMHERST, MA 01002
11C-170	300 NORTH PLEASANT ST	HISTORIC RENOVATIONS & RENTAL PROPERTIES	C/O JOEL GREENBAUM	17 HALLOCK ST	AMHERST, MA 01002
11C-169	304 NORTH PLEASANT ST	BOZORG, ABBASS & MINA S		195 WEST ST	AMHERST, MA 01002
11C-167	314 NORTH PLEASANT ST	SHUMWAY, J CURTIS		220 NORTH PLEASANT ST	AMHERST, MA 01002
11C-162	346 NORTH PLEASANT ST	ROBERTS, BARRY L & SUSAN B		P.O. BOX 678	AMHERST, MA 01004
11C-144	11 PAIGE ST	PEARSON, WILBUR & BARBARA		11 PAIGE ST	AMHERST, MA 01002
11C-145	19 PAIGE ST	ABUNNASR, YASER F & MARIA B		19 PAIGE ST	AMHERST, MA 01002
11C-146	25 PAIGE ST	O'BRIEN, MARGARET JANE		25 PAIGE ST	AMHERST, MA 01002
11C-147	31 PAIGE ST	KNOPER, RANDALL		31 PAIGE ST	AMHERST, MA 01002
11C-202	7 PEASE PL	BAUSCHINGER, SIGRID		7 PEASE PL	AMHERST, MA 01002
11C-203	27 PEASE PL	GORDON, NANCY M		27 PEASE PL	AMHERST, MA 01002